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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,547	01/27/2004	Noriko Sato	00684.003580	9608
5514 7590 06/08/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER TRAN, LY T	
			ART UNIT 2853	PAPER NUMBER
			MAIL DATE 06/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/764,547

Applicant(s)

SATO, NORIKO

Examiner

Ly T. TRAN

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4 and 6 is/are rejected.
- 7) ☒ Claim(s) 5, 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (USPN 5,075,609).

With respect to claims 1 and 6, Ito disclose an recording apparatus comprising:

- A carriage (fig.4: element 2) for carrying a recording head and scanning movable in the apparatus
- A guide shaft (fig.4: element 5a) disposed at a position upstream of a recording position (because the head is reciprocate along the paper 7, the recording position is along the paper 7) for guiding the carriage in a predetermined scanning direction
- A belt (6) disposed at a same side as the guide shaft with respect to the recording position;
- A guide rail (5b) disposed at a side across from the recording position guide shaft with respect to the recording head in the feeding direction for guiding the scanning movement of the carriage;

- An encoder scale having recorded information relating to position of the carriage (11);
- An encoder sensor (12) provided on the carriage for detecting the information relating to the position of the carriage, the encoder sensor being disposed at a side across the recording position from the guide shaft with respect to the feeding direction of the recording medium.
- the carriage is provided with a cover portion for covering the guide rail (fig.4).

Ito does not explicitly disclose a platen for supporting a recording medium and the recording head is opposed to the platen and since the recording medium 7 is opposed the recording head, the platen is at the bottom of the medium to support the medium. It would have been obvious in one ordinary skill in the art to provide a platen for supporting the recording medium because when feeding out from the input tray, the recording medium must supports by something such as platen or roller.

2. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (USPN 5,075,609) in view of Angulo (EP 1029 696).

Ito fails to teach the recording head is detachably mounted to the carriage and is provided with a casing having an opening for detachably mounting the recording head a head set lever for mounting and demounting the recording head relative to the carriage and a latch engagement portion for engagement with a latch portion of the head se

Angulo discloses the recording head is detachably mounted to the carriage and is provided with a casing having an opening for detachably mounting the recording head (page 9: line 30-37), a head set lever for mounting and demounting the recording head relative to the carriage and a latch engagement portion for engagement with a latch portion of the head set (page 8: [0107,0108]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the head set lever and the latch engagement as taught by Angulo. The motivation of doing so is to obtain a better locking for the recording head.

Allowable Subject Matter

3. Claims 5 and 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 5 is allowable over prior art of record because at least prior art have not been found to anticipate or teach the latch engagement portion is disposed at a lateral side of the detecting member with respect to the scanning direction of the carriage.

Claim 7 is allowable over prior of record because at least prior art have not been found to anticipate or teach the head set lever is supported on the carriage for rotation substantially coaxially with the guide shaft.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T. TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-Th:6:30 AM-3:00PM or IFP, Friday: work at home.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2853

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LT

June 7, 2007



STEPHEN MEIER
SUPERVISORY PATENT EXAMINER